

Wetlands Bureau Decision Report

Decisions Taken
08/28/2006 to 09/01/2006

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2005-01930 BROWN, DONALD & SHARON
GILFORD Lake Winnepesaukee

Requested Action:

Amend permit to show name change and add a 14 ft by 30 ft seasonal canopy, piling supported boatlift, and 2 PWC lifts.

Inspection Date: 10/24/2005 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Fill 1170 sq ft to construct 51 linear ft of breakwater in a dog-leg configuration with a 6 ft gap at the shoreline and a 4 ft x 27.1 ft cantilevered pier, a 4 ft x 30 ft piling pier, and a 2 ft x 30 ft finger pier connected by a 6 ft x 30.8 ft cantilevered walkway and a 4 ft x 11.3 ft walkway in a "W" configuration, install a piling supported boatlift and 14 ft by 30 ft seasonal canopy over the lakeward slip, install 2 seasonal PWC lifts in the landward slip and repair 61 linear ft total of retaining wall and construct a 21 ft x 30 ft perched beach with 6 ft wide lake access steps on an average of 151 ft of frontage in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by David Dolan revised December 7, 2005, and received by the Department on December 9, 2005, and amendment plans by Watermark Marine Construction dated March 20, 2006, as received by the Department on August 17, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. The breakwater shall have an irregular face to dissipate wave energy.
5. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
6. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
7. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
8. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
9. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
10. Retaining wall repair shall maintain existing size, location and configuration.
11. Existing retaining wall rocks which have fallen shall be used for repair. No Additional rocks.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
13. These shall be the only structures on this water frontage and all portions of the dock and breakwater shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
14. Work shall be done during drawdown.
15. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
16. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
17. PWC lifts shall be of seasonal construction which shall be removed for the non-boating season.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(j), construction of a breakwater in public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
7. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
8. The applicant has an average of 151 feet of shoreline frontage along Lake Winnepesaukee.
9. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12 Frontage Over 75'.
10. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2 Boat slip, and therefore meets Rule Wt 402.12.
11. Public hearing is waived based on field inspection, by NH DES staff, on October 24, 2005, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
12. Field inspection on October 24, 2005 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2006-00547 MOULTONBOROUGH, TOWN OF
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Replenish existing town beaches with 100 cubic yards of sand, repair the existing 12 ft by 60 ft boatramp and rip rap two 6 ft wide areas and one 11 ft wide area to stabilize the slopes and prevent erosion into Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com has no objections

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Replenish existing town beaches with 100 cubic yards of sand, repair the existing 12 ft by 60 ft boatramp and rip rap two 6 ft wide areas and one 11 ft wide area to stabilize the slopes and prevent erosion into Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group Inc dated July 26, 2006, as received by the Department on August 08, 2006.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged/excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Replenishment shall maintain the existing size, location and configuration of the beaches.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
10. No more than a cumulative of a 100 cu yd of sand may be used on all beach areas and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Wt 303.04(d) or Wt 303.04(aa), or minor impact under Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

2006-01126 NH DEPT OF TRANSPORTATION
WHITEFIELD Johns River

Requested Action:

Reconstruct and widen Rte. 3 for 2.2 miles modifying storm water drainage systems and intersection approaches impacting 34,100 sq. ft. (3,972 sq. ft. temporary) of palustrine and riverine wetlands.

Inspection Date: 05/26/2006 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct and widen Rte. 3 for 2.2 miles modifying storm water drainage systems and intersection approaches impacting 34,100 sq. ft. (3,972 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project # P2953.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 5/02/06, as received by the Department on May 9, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands, surface water and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 26, 2006. Field inspection determined that most of the road will have underdrain and grass swales to replace the existing water quality function of the wetlands to be impacted on the west side of the road and there is a limited opportunity for treatment of runoff at View St. The proposal also includes a new treatment swale from one section of the drainage system.
6. The Final Environmental Study (July 2003) submitted with and in support of the application estimated that the wetland impacts would total 1.2 acres. The modifications of the plans since July 2003 and as submitted with the application have reduced the impacts by approximately 1/2 acre.
7. Per discussions with the applicant on September 1, 2006, the Environmental Commitments shown in the Final Environmental Study (July 2003) which still pertain to the approved plans of this permit include the following:
Item 1 has been changed and the applicant will provide \$78,000 to the LCIP;
Item 2 remains as written in the document and
Item 3 has been changed to read: Stormwater runoff will be treated in ditches and grass-lined swales as appropriate throughout the project area and a water quality treatment area will be created east of US Route 3 and the railroad north of the Greenwood St. intersection.
8. DES Staff finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore a public hearing is not required.

MINOR IMPACT PROJECT

2004-01819 TAMPOSI, MICHAEL
LYNDEBOROUGH Unnamed Stream

Requested Action:

After-The-Fact Approval:

Retain 635 square feet of impacts to palustrine forested, scrub-shrub, and emergent wetlands resulting from the upgrading of a logging road for access; and, restore 3,508 square feet of palustrine forested, scrub-shrub, and emergent wetlands to bring the access road into compliance.

New Wetlands Impacts:

Dredge and fill 662 square feet of palustrine forested and scrub-shrub wetlands to install a 15-inch x 20-foot culvert and a 12-inch x 20-foot culvert and associated headwalls and inlet and outlet protection to upgrade a logging road for access.

APPROVE PERMIT:

After-The-Fact Approval:

Retain 635 square feet of impacts to palustrine forested, scrub-shrub, and emergent wetlands resulting from the upgrading of a logging road for access; and, restore 3,508 square feet of palustrine forested, scrub-shrub, and emergent wetlands to bring the access road into compliance.

New Wetlands Impacts:

Dredge and fill 662 square feet of palustrine forested and scrub-shrub wetlands to install a 15-inch x 20-foot culvert and a 12-inch x 20-foot culvert and associated headwalls and inlet and outlet protection to upgrade a logging road for access.

With Conditions:

After-The-Fact Approval Conditions:

1. All work shall be in accordance with plans by Gary Flaherty submitted for Wetland Impact Areas #3 through #7 dated June 9, 2006 (revised), as received by the DES Wetlands Bureau on June 16, 2006, and the plan entitled "Wetland Restoration Plan for Impact Areas #1 and #2" dated August 30, 2006 (revised), as received on August 30, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The applicant shall notify (by certified mail and telephone) Mr. Armand Poirier, the Society for the Protection of NH Forests, and the DES Wetlands Bureau at least one (1) day prior to the start of restoration of Wetland Impact Areas #1 and #2.
4. The restoration shall be completed under low flow conditions and no later than September 1, 2007.
5. The restoration shall be done according to the approved plans and as conditioned by this after-the-fact approval. Any changes or alterations to the restoration plans must be requested in writing and approved by the DES Wetlands Bureau in writing prior to implementing any such changes or alterations.
6. All persons involved in restoration activities on the subject property shall have read and become familiar with the provisions of the approved plans and this permit prior to beginning restoration work on the subject property. A copy of this after-the-fact approval shall be posted at the subject property during the time restoration work continues on the subject property.
7. Documentation confirming use of the appropriate seed mix, and plantings shall be forwarded to the DES Wetlands Bureau.
8. No machinery shall enter non-impacted DES jurisdictional areas on the subject property during the restoration.
9. All material removed during restoration activities shall be removed down to the level of the original soils.
10. All material removed during restoration activities shall be placed out of DES Wetlands Bureau's jurisdiction.
11. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. All necessary steps shall be taken during the restoration to ensure that no water quality violations occur on the subject property.
13. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
14. An initial monitoring report with photographs shall be provided to the DES Wetlands Bureau within 15 days of the completion of restoration but no later than September 15, 2007. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at the time of the initial monitoring report. Photographs should depict all stages of restoration sequencing.
15. Subsequent monitoring reports shall be submitted to the DES Wetlands Bureau during the first and second growing seasons on June 15 of that year to review the success of the restoration and schedule remedial actions if necessary. Such reports shall be submitted to DES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions by July 15 of that year, with a second follow-up inspection and monitoring report to be scheduled for August 15 of that year.
16. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.
17. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found within the restoration area during this same period.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. DES reserves its right to revoke this after-the-fact approval should restoration not be completed as specified in this approval.

New Wetlands Impacts Conditions:

23. All work shall be in accordance with the plan by Gary Flaherty entitled "Proposed Wetland Impact Plan for Additional Impact Area #8" dated June 8, 2006, as received by the DES Wetlands Bureau on June 16, 2006.
24. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
25. All work shall be done during low flow.
26. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
27. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
28. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
29. Silt fence(s) must be removed once the area is stabilized.
30. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
31. Proper headwalls shall be constructed within seven days of culvert installation.
32. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
33. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
34. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
35. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The restoration activities are necessary to bring an existing road into compliance. The additional wetlands impacts are necessary to extend the access road.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On August 4, 2004, the DES Wetlands Bureau received a complaint referencing the subject property stating that a culvert was installed and wetlands were filled without a permit.
6. The DES Wetlands Bureau issued a letter to the applicant dated August 12, 2004 stating that the DES received a complaint alleging that a culvert was installed and wetlands were filled without a permit.
7. The DES Wetlands Bureau issued a Letter of Deficiency (WET 2005-23) to the applicant dated September 1, 2005 stating that DES personnel conducted a site inspection of the subject property during which non-permitted wetland and surface water impacts were identified and that the applicant was required to submit a restoration plan for the non-permitted impacts, an After-The-Fact Standard Dredge and Fill application to retain any impacts, and an evaluation of the potential need for a permit from the DES Site Specific program.
8. The applicant submitted an After-The-Fact Standard Dredge and Fill application and restoration plan to the DES Wetlands Bureau (received February 24, 2006).
9. The applicant's agent submitted documentation to the DES Wetlands Bureau stating that a meeting was held with personnel from the DES Site Specific program to review the thresholds for Site Specific permitting and that based on a review of aerial photographs and an estimate of the work completed on the subject property, the threshold for Site Specific permitting was not exceeded.
10. Approximately 3,000 square feet of jurisdictional impacts were permitted under DES Wetlands Board Posting Permit #87-85 for the construction of the stream crossing and roadway at Wetland Impact Areas #1 and #2.
11. The Society for the Protection of NH Forests (SPNHF) holds conservation restrictions on the property (identified as Tax Map 7, Lot 46-1 and owned by Mr. Armand Poirier) abutting the subject property on which a portion of Wetland Impact Areas #1 and #2 are located.
12. On August 23, 2006, personnel from the DES Wetlands Bureau met with representatives from SPNHF and Mr. Armand Poirier

to resolve concerns with the restoration of Wetland Impact Area #1.

13. A written agreement signed by Mr. Armand Poirier and a representative of SPNHF was submitted to the DES Wetlands Bureau (received August 29, 2006) stating that Mr. Poirier and SPNHF concur with the restoration work proposed on Mr. Poirier's property and within 20 feet of the property boundary on the subject property.

14. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

2005-00172 SHOREFRONT DESIGN BUILD LLC
MEREDITH Lake Winnepesaukee

Requested Action:

Approve name change to: Shoreline Design Build LLC, 396 NH Rte 49, Campton NH 03223 per request received 8/31/2006.

Previous owner: Cargill Blake Const.

APPROVE NAME CHANGE:

Replace an existing 14 ft 2 in x 35 ft 6 in boathouse with a 14 ft 2 in x 35 ft 3 in boathouse, reduce area of associated crib supported docks by 192 sq ft, install two fender pilings and two ice clusters, replace beach access steps, install two PWC lifts and install 6 ft wide dug in lake access steps from proposed 29 ft 6 in x 27 ft perched beach on 164 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine as received by the Department on January 24, 2005 and "Tree Cutting Sit Plan" dated May 11, 2005 as received by the Department on May 16, 2005 and revised ice cluster location as received by the Department on April 5, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Existing crib rocks shall be used for crib replacement. No additional rocks.
7. All construction related debris, dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the pre-existing shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. These shall be the only docking structures on this water frontage and all portions of these structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
16. Unnecessary removal of shoreline vegetation shall be prohibited. Exceeding the proposed cutting shall be in violation of this permit.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2005-00754

BACA, ROBERT

HANCOCK Unnamed Wetland

Requested Action:

Dredge and fill 1,237 square feet of palustrine forested and emergent wetlands and 60 linear feet of intermittent stream at two (2) wetlands crossings including the installation of a 48-inch x 30-foot half round culvert and associated headwalls impacting 709 square feet and 30 linear feet of channel and the installation of a 24-inch x 30-foot culvert and associated headwalls impacting 528 square feet and 30 linear feet of channel to construct a driveway along an existing logging road for access to a single family building lot; and restore 1,652 square feet of impacts to palustrine forested and emergent wetlands to bring the roadway into compliance.

APPROVE PERMIT:

Dredge and fill 1,237 square feet of palustrine forested and emergent wetlands and 60 linear feet of intermittent stream at two (2) wetlands crossings including the installation of a 48-inch x 30-foot half round culvert and associated headwalls impacting 709 square feet and 30 linear feet of channel and the installation of a 24-inch x 30-foot culvert and associated headwalls impacting 528 square feet and 30 linear feet of channel to construct a driveway along an existing logging road for access to a single family building lot; and restore 1,652 square feet of impacts to palustrine forested and emergent wetlands to bring the roadway into compliance.

With Conditions:

1. All work shall be in accordance with plans by Seth R. Kallman dated June 2006, as received by the DES Wetlands Bureau on June 27, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All work shall be done during low flow.
4. The restoration portion of this project shall be completed under low flow conditions and no later than September 1, 2007.
5. All material removed during restoration activities shall be removed down to the level of the original soils.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Silt fence(s) must be removed once the area is stabilized.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
13. An initial monitoring report with photographs shall be provided to the DES Wetlands Bureau within 10 days of the completion of the restoration portion of this project. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at the time of the initial monitoring report. Photographs should depict all stages of restoration sequencing.
14. A subsequent monitoring report shall be submitted to the DES Wetlands Bureau during the growing season of the calendar year immediately following completion of the restoration but no later than September 1, 2008. The report shall be submitted to DES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a

schedule for completing the remedial actions. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the area is not adequately stabilized and restored.

15. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing season, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.
16. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found within the restoration area during this same period.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to construct a driveway for access to a single family building lot and to bring the roadway into compliance.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On April 19, 2005, the DES Wetlands Bureau received a complaint referencing the subject property stating that the property owner was conducting road work through a wetland. The DES Wetlands Bureau issued a letter to the applicant dated April 21, 2005 stating that the DES received a complaint of possible violations on the subject property.
6. The DES Wetlands Bureau finds that the proposed upgrades of the existing road and restoration of non-permitted impacts fulfill the requirements of the enforcement action on the subject property.

**2005-02233 LAROCHELLE JR REVOC TRUST, ROBERT
THORNTON Pemigewasset River**

Requested Action:

Retain 6 foot with stone access steps constructed within the bank of the Pemigewasset River.

APPROVE AFTER THE FACT:

Retain 6 foot with stone access steps constructed within the bank of the Pemigewasset River.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. All future activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03 (1), projects that disturb less than 200 linear ft of river bank.
2. The stairs as constructed will not adversely affect the stability of the river bank.
3. The stairs as constructed will not have an adverse impact on water flow within this portion of the Pemigewasset River.

2006-00066 MASONE, PAUL
ATKINSON Island Pond

Requested Action:

Retain 35 linear feet of retaining wall and beach area, remove debris pile placed on the bank to the limits of the original shoreline, remove a 22 ft by 30 ft patio and replant the footprint, and remove a retaining wall constructed lakeward of the original shoreline and restore the wall to the original location on Island Pond, Atkinson.

Inspection Date: 05/30/2006 by Dale R Keirstead

APPROVE AFTER THE FACT:

Retain 35 linear feet of retaining wall and beach area, remove debris pile placed on the bank to the limits of the original shoreline, remove a 22 ft by 30 ft patio and replant the footprint, and remove a retaining wall constructed lakeward of the original shoreline and restore the wall to the original location on Island Pond, Atkinson.

With Conditions:

1. All work shall be in accordance with wall and patio restoration plans by Civil Construction Management dated August 09, 2006, as received by the Department on August 15, 2006, and beach and wall plans by Civil Construction Management dated July, 2006, as received by the Department on July 17, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Dredged/excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. There shall be no equipment on the lakebed or in areas of the Department's jurisdiction.
5. The applicant shall submit "as built" plans and photos showing the area of restoration to the Department by December 01, 2006 showing the retaining wall and footings relocated according to plans by Civil Construction Management dated August 09, 2006 as received by the Department on August 15, 2006.
6. Work shall be done during drawdown.
7. This permit does not allow for the placement of any sand on the frontage.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), replacement of retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. Field inspection and information in the file showed the wall to the north constructed lakeward. This wall is to be restored to the previous existing conditions.

2006-00714 NH DEPT OF TRANSPORTATION
GILFORD Unnamed Stream

Requested Action:

Repair an 18 ft. wide aluminum pipe arch by constructing a concrete invert, construct cutoff walls and add 4 ft. of class B stone at the inlet and outlet impacting 1312 sq. ft. of stream (448 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. intervened, no report

APPROVE PERMIT:

Repair an 18 ft. wide aluminum pipe arch by constructing a concrete invert, construct cutoff walls and add 4 ft. of class B stone at the inlet and outlet impacting 1312 sq. ft. of stream (448 sq. ft. temporary). NHDOT project #14601.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 2/06, as received by the Department on April 4, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00770 **EATON, DAVID & SHARON**
MEREDITH Lake Winnepesaukee

Requested Action:

Repair/replace existing 45 linear ft of retaining wall on 100 ft of frontage in Meredith, on Lake Winnepesaukee.

APPROVE PERMIT:

Repair/replace existing 45 linear ft of retaining wall on 100 ft of frontage in Meredith, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by David Eaton dated July 28, 2006, as received by the Department on August 2, 2006.
2. Work shall be carried out during drawdown to avoid water quality degradation to the maximum extent.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done for lot development.
6. Repair shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) and other erosion controls must be removed once the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
10. This permit does not authorize beach replenishment and will require another application.
11. Surface water runoff diversions shall be maintained to prevent beach erosion.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during draw down of waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00924 LGP LLC
TROY Unnamed Wetland

Requested Action:

Dredge and fill 2,361 square feet of palustrine forested wetlands and 63 linear feet of intermittent stream at two (2) wetlands crossings including the installation of a 42-inch x 20-foot squash culvert and associated headwalls and outlet protection at Wetland Impact Area #2 impacting 1,304 square feet of wetlands and 63 linear feet of channel to construct a common driveway for access to a 4-lot residential subdivision on an approximately 16 acre parcel.

APPROVE PERMIT:

Dredge and fill 2,361 square feet of palustrine forested wetlands and 63 linear feet of intermittent stream at two (2) wetlands crossings including the installation of a 42-inch x 20-foot squash culvert and associated headwalls and outlet protection at Wetland Impact Area #2 impacting 1,304 square feet of wetlands and 63 linear feet of channel to construct a common driveway for access to a 4-lot residential subdivision on an approximately 16 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Casey J. Hayes Land Surveying, LLC dated February 15, 2006, as received by the DES Wetlands Bureau on April 24, 2006.
2. This permit shall not be effective until it has been recorded with the Cheshire County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
3. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Silt fence(s) must be removed once the area is stabilized.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The culvert shall be embedded and native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural stream channel bottom within the culvert. Any nonnative materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the construction of a common driveway for access to a 4-lot residential subdivision.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The Town Select Board submitted comments to the DES Wetlands Bureau (received June 8, 2006) stating that the impact on the wetlands by the proposed shared driveway is significant and that they have concerns with respect to the impact on the significant wetlands on the property and feel that the impact and the small building envelopes represent overuse of the property. The Select Board stated that they would prefer to see a plan which lessens the wetlands impacts.
5. The DES Wetlands Bureau finds that the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
6. The subdivision was configured to minimize wetlands impacts by proposing a common driveway.
7. The driveway was configured to minimize stream and wetlands impacts by crossing the stream and wetlands at the narrowest points.
8. The stream crossing was designed to minimize stream impacts by incorporating a squash culvert that is wider than the existing stream channel with the stream channel restored in the bottom of the culvert.
9. The proposed lots will be served by public sewer.

2006-01000 NH DEPT OF TRANSPORTATION
CANAAN Hinkson Brook

Requested Action:

Install a concrete invert in a 10 ft. wide single span multiplate arch culvert 48 ft. long and construct cut off walls impacting 1,052 sq. ft. (552 sq. ft. temporary) of stream.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Install a concrete invert in a 10 ft. wide single span multiplate arch culvert 48 ft. long and construct cut off walls impacting 1,052 sq. ft. (552 sq. ft. temporary) of stream. NHDOT project #14619.

With Conditions:

1. All work shall be in accordance with undated plans by NHDOT Bureau of Bridge Maintenance, as received by the Department on May 1, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2006-00561 NH DEPT OF TRANSPORTATION
DOVER Piscataqua River

Requested Action:

Fill along the edge of the existing 20 ft. x 75 ft. boat ramp with riprap and fill the pot holes impacting 500 sq. ft. between the high and low tide line.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 10/03/2003 by Gino E Infascelli

APPROVE PERMIT:

Fill along the edge of the existing 20 ft. x 75 ft. boat ramp with riprap and fill the pot holes impacting 500 sq. ft. between the high and low tide line. NHDOT project #70024.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford & Thorndike, LLC dated 08/05 rev. 12/16/05 as received by the Department on March 16, 2006.
2. All work in jurisdiction shall be during low tide.
3. Construction equipment shall not be located within surface waters.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), as it has been determined by the DES that it will have a minimum impact based on the degree of environmental impact, that this will repair and maintain the area of the existing ramp.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 7, 2003. Field inspection determined the ramp has many potholes that may cause unsafe entry and exit for vehicular traffic and the edges of the ramp are being undermined.

2006-00773 K & M MICHAEL REALTY TRUST
DERRY Unnamed Wetland

Requested Action:

Impact 1,535 square feet of forested wetland for the installation of 15-inch by 25-foot culvert to construct a driveway to a single family residential lot on 5.13 acres as part of a 3 lot subdivision of 11.34 acres.

Conservation Commission/Staff Comments:

The Derry Conservation Commission did not sign the Minimum Impact Expedited Application and submitted concerns - see findings.

Inspection Date: 08/09/2006 by Eben M Lewis

APPROVE PERMIT:

Impact 1,535 square feet of forested wetland for the installation of 15-inch by 25-foot culvert to construct a driveway to a single family residential lot on 5.13 acres as part of a 3 lot subdivision of 11.34 acres.

With Conditions:

1. All work shall be in accordance with Wetland Impact Plan (Sheet 2 of 3) by Promised Land Survey, LLC dated March 29, 2006 and revised on July 6, 2006, as received by the Department on July 11, 2006.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Work shall be done during seasonal low flow conditions. No work shall occur while the proposed crossing is inundated by water from the beaver pond.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. A 25-foot no cut buffer shall be established along the west side of the property from the proposed driveway crossing to the point where the intermittent stream flows into the larger wetland.
10. No stumping shall occur to those trees cut immediately adjacent and outside the proposed impact area.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as the impacts are necessary to access buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the crossing will occur within the smallest portion of wetland and the road will be constructed with 2:1 slopes to further minimize impacts.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received a memo from the Derry Conservation Commission (DCC) dated April 14, 2006 expressing the following concerns: a.) The applicant created "a lack of access by attempting to subdivide the property to get a marginal additional lot; b.) The proposed lot is very wet even in a very dry year; c.) There is significant beaver activity, which may raise water levels even more; d.) The DCC is concerned that the fill for access will exacerbate flooding issues over Lawrence Road; e.) Abutters spoke out against the impacts due to concerns of impact on wildlife, their property, and Lawrence Rd.
6. DES personnel performed an inspection of this site on August 9, 2006. The inspection confirmed the location of the wetlands and accuracy of the impact area.
7. With regards to the DCC comments, DES makes the following findings: a.) the applicant has a right to access the buildable upland. In addition, the subdivision is comprised of only three lots and the applicant is not maximizing the potential to create more smaller lots per the Town of Derry; b.) Although a portion of the lot does contain wetland, there is adequate upland to support the construction of a dwelling and subsurface septic system; c.) DES notes the activity of beaver on the site and the DCC is correct that the water level of a body of water will fluctuate with beaver activity; d.) Drainage calculation were performed to ensure that the proposed impacts will not effect the adjacent surface runoff, as a 15-inch culvert is more than sufficient to handle a 10-year storm. e.) In response to the abutters in opposing to the proposed subdivision, the applicant offered a 25-foot no cut buffer along the western portion of the lot to project the wetland and the wildlife therein.
8. DES finds that this application and its impacts are consistent with similar approved projects throughout the State of New Hampshire.

2006-01289 DUOGEN LLC
STRATHAM Unnamed Wetland

Requested Action:

Impact 2,000 square feet of forested wetland to enlarge an existing crossing and extend the three (3) existing 24-inch culverts to provide access to a four-lot residential subdivision of 12.37 acres.

Conservation Commission/Staff Comments:

No Comments were received from the Stratham Conservation Commission.

APPROVE PERMIT:

Impact 2,000 square feet of forested wetland to enlarge an existing crossing and extend the three (3) existing 24-inch culverts to provide access to a four-lot residential subdivision of 12.37 acres.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated May 18, 2006, as received by the Department on May 25, 2006.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during seasonal low flow conditions.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.e during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., as the impacts are necessary for access.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as an existing crossing will be utilized.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01938 SPRINGFIELD, TOWN OF
SPRINGFIELD Kolelemook Lake

Requested Action:

Replenish an existing 900 sq ft of beach with 10 cubic yards of sand on Kolelemook Lake, Springfield.

Conservation Commission/Staff Comments:

Con Com requested 40 day from July 18, 2006, no comments received by August 29, 2006

APPROVE PERMIT:

Replenish an existing 900 sq ft of beach with 10 cubic yards of sand on Kolelemook Lake, Springfield.

With Conditions:

1. All work shall be in accordance with plans by Stevens Engineering dated June 19, 2001, revision date of July 07, 2006, as received by the Department on July 28, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of sand on a existing beach.

FORESTRY NOTIFICATION

2006-02183 GREEN ACRES WOODLANDS INC
LYMAN Unnamed Stream

COMPLETE NOTIFICATION:
Lyman Tax Map 53, Lot# 49

2006-02199 SPNHF
GROTON Unnamed Stream

COMPLETE NOTIFICATION:
Groton Tax Map 6, Lot# 13

2006-02200 STATE OF NH FISH & GAME
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock Tax Map R14, Lot# 2

2006-02201 COX, CHARLES & LAUREL
LEE Unnamed Stream

COMPLETE NOTIFICATION:
Lee Tax Map 2, Lot# 1,3,4 & 5

2006-02205 HEMBROUGH, ARTHUR
FRANKLIN Unnamed Stream

COMPLETE NOTIFICATION:
Franklin Tax Map 22, Lot# 401

EXPEDITED MINIMUM

2006-00692 BURKE, CURT
CONWAY Unnamed Stream

Requested Action:

Dredge and fill approximately 1,049 square feet of wetlands for installation of a sewer line and a 18-inch culvert for access to a single lot of a 4-lot subdivision on 9.34 acres.

APPROVE PERMIT:

Dredge and fill approximately 560 square feet of wetlands to access a 4-lot subdivision on 9.34 acres, further described as follows:

1. Impact 305 square feet for installation of a 18-inch x 18-foot culvert for driveway access to one (1) lot and sewer line installation;
2. Temporarily impact 19 square feet for sewer line installation; and
3. Retain 255 square feet of impact for existing twin 18-inch x 31-foot CMP culverts for driveway access to one (1) lot.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys, Inc. dated March 13, 2006, and revised through August 22, 2006 as received by the Department on August 25, 2006 and Subdivision Plans dated February 7, 2005, and revised through July 20, 2006 as received by the Department on July 28, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of the impact area to prevent accidental encroachment on wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The jurisdictional area bisects the property and must be crossed to access the western portion of the lot.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. As outlined on the Subdivision Plan dated 2/7/05 and revised through 7/20/06, the property (tax map/lot 202/138) has a deeded cul-de-sac right-of-way.
7. There are no plans to upgrade the proposed driveway crossing to a cul-de-sac.

2006-00872 CAIL, RANDALL & SARAH
GILFORD Lake Winnepesaukee

Requested Action:

Construct a 258 sq ft perched beach with 6 ft wide lake access steps constructed over the bank on 110 ft of frontage on Locke's Island in Gilford on Lake Winnepesaukee.

APPROVE PERMIT:

Construct a 258 sq ft perched beach with 6 ft wide lake access steps constructed over the bank on 110 ft of frontage on Locke's Island in Gilford on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised August 4, 2006.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. If beach requires replenishment within 6 years of completion, it shall be deemed a minor project and the new application shall require plans developed by a certified professional in erosion and sediment control, to eliminate erosion control issues.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
10. Stairs and walkways shall not exceed a 6 ft width.
11. Lake access stairs on slopes greater than 25 percent shall not be recessed into the bank, and shall be of wooden materials constructed over the bank.
12. No portion of the beach shall encroach on a slope greater than 25 percent.
13. Seasonal structures shall be removed from the lake for 5 months during the non-boating season.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2006-01496 SMITH, MARTIN
ANDOVER Unnamed Wetland

Requested Action:

Dredge and fill a total of 682 square feet of palustrine forested wetland in the subdivision of 46.714 acres into 6 single family residential lots further described as follows: Dredge and fill 462 square feet including installation of a 24-inch x 22 foot culvert for driveway access to lot 4 and impact 220 square feet for fire pond construction.

APPROVE PERMIT:

Dredge and fill a total of 682 square feet of palustrine forested wetland in the subdivision of 46.714 acres into 6 single family residential lots further described as follows: Dredge and fill 462 square feet including installation of a 24-inch x 22 foot culvert for driveway access to lot 4 and impact 220 square feet for fire pond construction.

With Conditions:

1. Fire Pond Construction shall be in accordance with plans by FWS Land Surveying dated December 2, 2005, as received by the Department on June 19, 2006; Driveway Construction shall be in accordance with plans by Riverside Ecological Designs dated May 26, 2006 and revised through August 24, 2006 as received by the Department on August 24, 2006, and Subdivision Plans by FWS Land Surveying dated August 8, 2003, and revised through March 1, 2004 as received by the Department on June 21, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01861 POWERS, TIMOTHY & DAWN MARIE
MADISON Unnamed Wetland

Requested Action:

Dredge and fill 2,864 square feet of forested wetlands to install a 18-inch x 14-foot culvert for driveway access to a single lot of a 4-lot subdivision on 24 acres.

APPROVE PERMIT:

Dredge and fill 2,864 square feet of forested wetlands to install a 18-inch x 14-foot culvert for driveway access to a single lot of a 4-lot subdivision on 24 acres.

With Conditions:

1. All work shall be in accordance with plans by Natural Resource Consultants dated July 10, 2006, as received by the Department on July 26, 2006; and subdivision plans by Gerard Land Surveying, Co. dated May 22, 2006, and revised through July 05, 2006, as received by the Department on July 26, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-01885 CHAUNCEY, MATT & DIANNE
ANTRIM Unnamed Wetland

Requested Action:

Dredge and fill 350 square feet of palustrine forested wetlands to install an 18-inch x 20-foot culvert and associated headwalls and outlet protection to construct a driveway for access to one (1) lot of a 2-lot residential subdivision on an approximately 54 acre parcel.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE PERMIT:

Dredge and fill 350 square feet of palustrine forested wetlands to install an 18-inch x 20-foot culvert and associated headwalls and outlet protection to construct a driveway for access to one (1) lot of a 2-lot residential subdivision on an approximately 54 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc. dated June 8, 2006 and June 15, 2006 (revised), as received by the DES Wetlands Bureau on July 27, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the construction of a driveway for access to one (1) lot of a 2-lot residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The driveway was configured to minimize wetlands impacts by crossing the wetland at the narrowest point.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the application but did not submit comments.

2006-01901 CHARLESTOWN, TOWN OF
CHARLESTOWN Unnamed Wetland

Requested Action:

Maintenance dredge 15,000 square feet of an existing drainage ditch and dredge and fill 150 square feet of palustrine emergent wetlands to rehabilitate an existing public road including the replacement of nine (9) culverts, associated headwalls, and inlet and outlet protection described as:

Culvert A: Replace a 15-inch x 40-foot culvert, in-kind.

Culvert B: Replace a 12-inch x 40-foot culvert with a 15-inch x 40-foot culvert.

Culvert C: Replace a 12-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Culvert D: Replace a 15-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Culvert E: Replace a 20-inch x 40-foot culvert with an 18-inch x 40-foot culvert.

Culvert F: Reset an 18-inch x 40-foot culvert.

Culvert G: Replace a 15-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Culvert H: Replace a 15-inch x 30-foot culvert with a 15-inch x 40-foot culvert.

Culvert I: Replace a 15-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE PERMIT:

Maintenance dredge 15,000 square feet of an existing drainage ditch and dredge and fill 150 square feet of palustrine emergent wetlands to rehabilitate an existing public road including the replacement of nine (9) culverts, associated headwalls, and inlet and outlet protection described as:

Culvert A: Replace a 15-inch x 40-foot culvert, in-kind.

Culvert B: Replace a 12-inch x 40-foot culvert with a 15-inch x 40-foot culvert.

Culvert C: Replace a 12-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Culvert D: Replace a 15-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Culvert E: Replace a 20-inch x 40-foot culvert with an 18-inch x 40-foot culvert.

Culvert F: Reset an 18-inch x 40-foot culvert.

Culvert G: Replace a 15-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

Culvert H: Replace a 15-inch x 30-foot culvert with a 15-inch x 40-foot culvert.

Culvert I: Replace a 15-inch x 35-foot culvert with a 15-inch x 40-foot culvert.

With Conditions:

1. All work shall be in accordance with the plans and project description submitted in support of the permit application, as received by the DES Wetlands Bureau on July 26, 2006.
2. Any future work in the right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All work shall be done during low flow.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. The contractor responsible for completion of the work shall utilize techniques described in the NH Department of Transportation Best Management Practices for Routine Roadway Maintenance Activities in New Hampshire (August 2001).
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Areas of temporary impact shall be regraded to original contours following completion of work and replanted with similar native (noninvasive) species.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
14. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j), projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and do not exceed any of the cited criteria.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to rehabilitate an existing public road.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Maintenance dredging of the existing drainage ditch is a minimum impact project per Administrative Rule Env-Wt 303.04(k).
6. Per Env-Wt 501.01, abutter notification shall not be required for public highway construction.
7. The applicant has indicated that all of the proposed work is within the Town's Right-Of-Way.
8. The Conservation Commission signed the application but did not submit comments.

2006-01917 ROGERS, MICHAEL
MOULTONBOROUGH Pistol Island

Requested Action:

Impact 90 sq ft of lakebed and bank to install a submarine utility cable on Pistol Island, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Impact 90 sq ft of lakebed and bank to install a submarine utility cable on Pistol Island, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on July 31, 2006.
2. Area shall be regraded to original contours following completion of work.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w), excavation of less than 10 linear ft of bank and bed of a surface water that does not exceed 200 sq ft in total jurisdictional impact.

2006-01945 WILDER, HILLIARE
SULLIVAN Otter Brook

Requested Action:

Repair approximately 350 square feet of a stone ford.

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

APPROVE PERMIT:

Repair approximately 350 square feet of a stone ford.

With Conditions:

1. All work shall be in accordance with plans by Hilliare Wilder dated July 24, 2006, as received by the DES Wetlands Bureau on August 1, 2006.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. Repair shall maintain existing size, location and configuration.
4. Existing rocks shall be used for repair.
5. Work shall be done during low flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
8. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering or working near surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The stone ford was damaged during the flooding of October 2005 and has suffered further damages during recent high water events. The stone ford provides the only vehicular access to the subject property and is used sparingly for forest/agricultural land management and to bring in heavy items.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant provided documentation (1957 topographic map, 1976 land survey, deed recorded in 1976) that the stone ford has been used historically for many years for access to the subject property.
6. The Conservation Commission signed the application but did not submit comments.

2006-01947 GELAZAUSKAS, HEIRS OF RACHEL
HOLLIS Unnamed Wetland

Requested Action:

Dredge and fill approximately 155 sq. ft. of scrub-shrub wetlands to widen the shoulder of Rocky Pond Road to provide safer access to three proposed driveways (one 2 lot common driveway) of a proposed four lot subdivision. Work includes lengthening an existing 18 in. culvert (RCP) by 3 ft., installation a new headwall and associated grading.

Conservation Commission/Staff Comments:

The Conservation Commission signed the expedited application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill approximately 155 sq. ft. of scrub-shrub wetlands to widen the shoulder of Rocky Pond Road to provide safer access to three proposed driveways (one 2 lot common driveway) of a proposed four lot subdivision. Work includes lengthening an existing 18 in. culvert (RCP) by 3 ft., installation a new headwall and associated grading.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc., revision dated July 17, 2006, as received by the Department on August 2, 2006.
2. This permit is contingent on receipt by DES of written approval from the Town of Hollis to conduct the proposed work within the Town's road right of way.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish and Game Department did not submit comments.

2006-01989 KELLY, ALBERT/JEANINE
NEW HAMPTON Unnamed Wetland Stream

Requested Action:

Dredge and fill 1422 square feet of palustrine forested wetland including 16 linear feet of intermittent stream for access in the subdivision of 37 acres into 5 single family residential lots.

APPROVE PERMIT:

Dredge and fill 1422 square feet of palustrine forested wetland including 16 linear feet of intermittent stream for access in the subdivision of 37 acres into 5 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated July 13, 2006, as received by the Department on August 8, 2006, and Subdivision Plans by Central Land Surveying dated April 24, 2006, as received by the Department on August 8, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. The applicant shall provide a full tree inventory in accordance with Env-Ws 1409.03, for the protected shorelands within this subdivision if there is any proposed development within the Shoreland Protection Zone.
7. The deed which accompanies the sales transaction for lot 4 in this subdivision shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
9. Work shall be done during periods of non-flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant; and Env-Wt 303.04(n), projects that

alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-02059 ROGERS, MICHAEL
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 90 sq ft of lakebed and bank to install a submarine utility cable on Whortleberry Island, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Impact 90 sq ft of lakebed and bank to install a submarine utility cable on Whortleberry Island, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 16, 2006.
2. Area shall be regraded to original contours following completion of work.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w), excavation of less than 10 linear ft of bank and bed of a surface water that does not exceed 200 sq ft in total jurisdictional impact.

TRAILS NOTIFICATION

2006-02203 DRED, PATUCKAWAY STATE PARK
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:

Nottingham tax Map 76, Lot# PSP

SHORELAND VARIANCE / WAIV

2006-00650 G MILLZ REAL ESTATE HOLDINGS LLC
ORFORD Upper Baker Pond

Requested Action:

Completely raze existing non-conforming primary structure within the 50 foot primary building setback and construct a new non-conforming primary structure within the 50 foot primary building setback to Upper Baker Pond.

DENY CSPA WAIVER:

Completely raze existing non-conforming primary structure within the 50 foot primary building setback and construct a new non-conforming primary structure within the 50 foot primary building setback to Upper Baker Pond.

With Findings:

Standards for Approval

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
2. More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. In accordance with RSA 483-B:3 Consistency Required: "I. All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
4. In accordance with Env-Wq 1406.09 Decision on Redevelopment Waiver Request, the Department shall approve request for redevelopment waiver provided the proposal is adequate to ensure that the intent of RSA 483-B is met.

Findings of Fact

5. On April 3, 2006, the Department received a request to waive RSA 483-B:9 II to allow for the complete razing of an existing non-conforming primary structure within the 50 foot primary building setback and construction of a new non-conforming structure within the 50 foot primary building setback to Upper Baker Pond on property identified as Orford Tax Map 1 Lot 91 (the "Property").
6. The existing non-conforming primary structure is located within the 50 ft primary building setback to Upper Baker Pond and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
7. On June 19, 2006, the Department issued a Notice of Incomplete Redevelopment Waiver Application requesting identifying 5 items which were missing from the application. Among the items requested were a copy of the USGS Topographical map, location of the existing and proposed septic system, an explanation of how the project would be more nearly conforming to the intent of RSA 483-B, and detailed and dimensioned plans showing, among other things, the existing and proposed structures relative to property lines and the reference line, erosion control, and the primary setback line.
8. On August 21, 2006, The Department received a response to the Notice from the Applicant's agent, Hogg Hill Design, LLC, which failed to include all of the items requested in the June 19, 2006 Notice.
9. The Applicant failed to submit an explanation of how the project would be more nearly conforming to the intent of RSA 483-B and detailed and dimensioned plans showing the structures relative to property lines and the reference line.
10. According to the plan submitted by Hogg Hill Design, LLC, the existing non-conforming primary structure's closest point to the reference line is 17.5 ft. The proposed non-conforming primary structure's closest point to the reference line 14 ft. This proposal makes the project more non-conforming.

Rulings in Support of the Decision

11. Issuance of a waiver for the construction of a new non-conforming primary structure within the primary building setback that would actually be closer to the reference line than the existing non-conforming structure would not be consistent with the intent of RSA 483-B and therefore is prohibited by RSA 483-B:3.

12. The Applicant has failed to file a complete application for Redevelopment Waiver as required per Env-Wq 1406.09 Decision on Redevelopment Waiver Request.
13. The Applicant has failed to document that the proposal will more nearly conform to the intent of RSA 483-B as required per RSA 483-B:11, II, therefore the request for a waiver is denied.

2006-00970 MARCUS, STEVEN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Convert an existing screen porch within the primary building setback to living space.

APPROVE CSPA WAIVER:

Convert an existing screen porch within the primary building setback to living space.

With Conditions:

1. All work shall be in accordance with plans dated 6/22/06 prepared by Mountain Mapping and received by DES on July 10, 2006, and supplemental information supplied by Dennis Wile received by DES on August 17, 2006.
2. This waiver shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the Department.
3. There shall be no excavation associated with the conversion of the porch to living space.
4. Unnecessary removal of vegetation within the protected shoreland during construction shall be prohibited.
5. All planted vegetation shall be in accordance with the Plans, native, and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive species is strictly prohibited.
6. Plantings proposed on the Plans shall have at least 90% survival success rate after two full growing seasons or the areas shall be replanted until the 90% success rate is achieved.
7. Within the proposed planting area, invasive, weedy species such as, but not limited to, honeysuckle (*Lonicera japonica* and *morrowii*), multiflora rose (*Rosa multiflora*) buckthorn (*Rhamnus cathartica* and *frangula*), autumn olive (*Elaeagnus umbellata*) and russian olive *Elaeagnus angustifolia*, shall be controlled by measures agreed upon by the Wetlands Bureau if the species are found in the planting areas during 2006, 2007, 2008.
8. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from DES.
9. A vegetation monitoring report shall be submitted to DES by October 15, 2007 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions.
10. All steps shall be taken during the construction necessary to assure that no water quality violations occur on the Property.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. A Copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
13. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
14. The owner shall maintain compliance with all other requirements of the CSPA.

With Findings:

1. The existing non-conforming residence is located partially within the 50 foot primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restrictions set forth in RSA 483-B:9, II of the Comprehensive Shoreland Protection Act (the "CSPA")
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly confirming than the existing structures, and may waive some of the standards specified in RSA 483-B:9 so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The square footage of the conversion from porch to living space within the primary building setback is 136 square feet. There

is no excavation or foundation associated with the conversion.

4. The applicant has proposed significant native plantings along the shoreline.

5. The applicant's proposal in its entirety provides at least the same degree of protection to the public water and is more nearly conforming.

2006-01050 BONANNO, ANTHONY
NEW DURHAM Merrymeeting Lake

Requested Action:

Expand non-conforming primary structure within the 50 foot primary building setback to Merrymeeting Lake.

DENY CSPA WAIVER:

Expand non-conforming primary structure within the 50 foot primary building setback to Merrymeeting Lake.

With Findings:

Standards for Approval

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
2. More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. In accordance with RSA483-B:3 Consistency Required: "I. All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
4. In accordance with Env-Wq 1406.09 Decision on Redevelopment Waiver Request, the Department shall approve request for redevelopment waiver provided the proposal is adequate to ensure that the intent of RSA483-B is met.

Findings of Fact

5. On May 9, 2006, the Department received a request to waive RSA483-B:9II to allow for the expansion of a primary structure within the primary building setback on property identified as New Durham Tax Map 32 Lots 303, 449A, & 302 (the "Property").
6. The existing non-conforming primary structure is located within the 50 ft primary building setback to Merrymeeting Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
7. On May 25, 2006, the Department issued a Notice of Incomplete Redevelopment Waiver Application requesting identifying 15 items which were missing from the application. Among the items requested were the names and addresses of the abutters, an explanation of how the project would be more nearly conforming to the intent of RSA483-B, a tree inventory, and detailed and dimensioned plans showing the structures relative to property lines and the reference line.
8. On June 7, 2006, The Department received a response to the Notice from the Applicant which failed to include all of the items requested in the May 25, 2006 Notice.
9. The Applicant disputed the need to submit the names and addresses of the abutters and a tree inventory.
10. The Applicant failed to submit an explanation of how the project would be more nearly conforming to the intent of RSA483-B and detailed and dimensioned plans showing the structures relative to property lines and the reference line.
11. There is no condition of the lot which would prohibit the construction of the proposed 14 ft by 18 ft addition completely behind the primary building setback.

Rulings in Support of the Decision

12. Issuance of a waiver for the construction of the 14 ft by 18 ft addition within the primary building setback which could be constructed completely behind the setback would not be consistent with the intent of RSA483-B and therefore is prohibited by

RSA483-B:3.

13. The Applicant has failed to file a complete application for Redevelopment Waiver as required per Env-Wq 1406.09 Decision on Redevelopment Waiver Request.

14. The Applicant has failed to document that the proposal will more nearly conform to the intent of RSA483-B as required per RSA483-B:11, II, therefore the request for a waiver is denied.

2006-01434 HILL, DAVID
WOLFEBORO Lake Wentworth

Requested Action:

Tear down an existing non-conforming primary structure located 20 feet from the reference line and construct a new primary structure 40 feet from the reference line.

APPROVE CSPA WAIVER:

Tear down an existing non-conforming primary structure located 20 feet from the reference line and construct a new primary structure 40 feet from the reference line.

With Conditions:

1. All work shall be in accordance with the following plans: General Plan Overview Drawing, Side Elevation, Footprints of Existing Structures, Footprint of Proposed Structures, Stormwater Controls, Tree Plot Plan received by DES on June 12, 2006, and Proposed Planting and Erosion Control Plan dated May 25, 2006 prepared by Folsom Design Group received by DES on June 12, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the Department.
3. Unnecessary removal of vegetation within the natural woodland buffer during construction shall be prohibited.
4. All plantings shall be installed by October 15, 2007. Plantings shall have a 90% survival success rate by June 30, 2008. An initial planting monitoring report shall be submitted by October 15, 2007 documenting the success of the plantings. The report should include photographic documentation and a narrative description of plantings, species survival, and contain a replanting plan if the success rate is below 90%.
5. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from DES.
6. Within the proposed planting area, invasive, weedy species such as, but not limited to, honeysuckle (*Lonicera japonica* and *morrowii*), multiflora rose (*Rosa multiflora*) buckthorn (*Rhamnus cathartica* and *frangula*), autumn olive (*Elaeagnus umbellata*) and russian olive *Elaeagnus angustifolia*, shall be controlled by measures agreed upon by the Wetlands Bureau if the species are found in the planting areas during 2007, 2008.
7. The building construction envelope shall be delineated prior to the start of the project.
8. This approval is contingent on approval of the septic system by the DES Subsurface Bureau. The septic system shall be installed prior to or concurrently with the construction of the proposed primary structure.
9. This approval does not allow expansion of the structure any closer to the reference line.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. All steps shall be taken during the construction necessary to assure that no water quality violations occur.
12. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
13. This waiver does not exempt the owner from obtaining any other necessary local, state, or federal permits or approvals.
14. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming primary structure is located within the 50 foot primary building setback to Lake Wentworth and therefore fails to conform to the setback restrictions set forth in RSA 483-B:9, II of the Comprehensive Shoreland Protection Act (the "CSPA").

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant's proposal will increase the distance from the reference line of the primary structure from 20 feet to 40 feet.
4. The applicant's proposal will result in a decrease of 381 square feet of non-conforming primary structure footprint within the primary building setback.
5. The applicant's proposal will result in an increase of deck and patio of 501 square feet within the primary building setback.
6. The applicant has proposed installing a new, state approved septic system.
7. The applicant has proposed the removal of 280 square feet of garage within the natural woodland buffer.
8. The applicant has proposed significant native shrub and tree plantings within the natural woodland buffer.
9. The applicant's proposal constitutes the same degree of protection to public waters and is more nearly conforming and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11,I.
10. The proposed new primary structure has been setback from the reference line as far as possible.

ROADWAY MAINTENANCE NOTIF

2006-02188 NH DEPT OF TRANSPORTATION, DISTRICT 5
BOW Unnamed Stream

2006-02190 TOWN OF STRATFORD
STRATFORD Unnamed Stream

2006-02193 NH DEPT OF TRANSPORTATION, DISTRICT ONE
DALTON Unnamed Stream

PERMIT BY NOTIFICATION

2006-01719 KEENE DPW, CITY OF
KEENE Grimes Brook

Requested Action:

Temporary impact of 240 square feet in the bank of a perennial stream to repair a culvert wingwall requiring the installation of a sand bag cofferdam and diversion pipe.

Conservation Commission/Staff Comments:

The Conservation Commission did not sign the application and did not submit comments.

PBN IS COMPLETE:

Temporary impact of 240 square feet in the bank of a perennial stream to repair a culvert wingwall requiring the installation of a sand bag cofferdam and diversion pipe.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The applicant provided a written agreement from the abutter concurring with the proposed impacts.
3. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

2006-02023 NH FISH & GAME DEPARTMENT
BERLIN No Name Pond

Requested Action:

Maintenance dredge less than 20,000 square feet of an unnamed manmade pond at the Berlin Fish Hatchery.

Conservation Commission/Staff Comments:

2006-01500 related permit.

PBN IS COMPLETE:

Maintenance dredge less than 20,000 square feet of an unnamed manmade pond at the Berlin Fish Hatchery.

2006-02052 HUPPER, BRIAN
ALTON Lake Winnepesaukee

Requested Action:

Request to repair 40 linear ft of breakwater, a 6 ft x 30 ft piling pier 3 tie-off pilings and a 3 piling ice cluster on 110 ft of frontage on Rattlesnake Island, Alton.

COMPLETE NOTIFICATION:

Request to repair 40 linear ft of breakwater, a 6 ft x 30 ft piling pier 3 tie-off pilings and a 3 piling ice cluster on 110 ft of frontage on Rattlesnake Island, Alton.

With Findings:

This project is classified as a miniumum impact project per Rule Env-Wt 303.04 (v).

2006-02163 HEINECKE, SUSAN
ALTON Lake Winnepesaukee

Requested Action:

Repair existing breakwater on 100 ft of frontage in Alton on Lake Winnepesaukee.

PBN IS COMPLETE:

Repair existing breakwater on 100 ft of frontage in Alton on Lake Winnepesaukee.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-02173 LEMIEUX, DONALD
WARNER Toms Pond

Requested Action:

Repair/Replace existing retaining wall, and extend wall.

PBN DISQUALIFIED:

Repair/Replace existing retaining wall, and extend wall.

With Findings:

PBN's allow the repair and replacement of retaining walls. The applicant proposed a longer length than what is existing and therefore, has been disqualified.

2006-02174 LONERGAN, EDWARD
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair/Replace portion of existing retaining wall on 100 ft of frontage on Merrymeeting lake in New Durham.

PBN IS COMPLETE:

Repair/Replace portion of existing retaining wall on 100 ft of frontage on Merrymeeting lake in New Durham.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing structures with no change in size, location or configuration.